

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

BOARD MEETING

Friday, February 19, 1982

JESSE M. KNOWLES  
CHAIRMAN

*District VII office*  
Natural Resources Building

Baton Rouge, Louisiana

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

February 19, 1982

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MINUTES OF MEETING  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LOUISIANA  
February 19, 1982

Chairman Jesse M. Knowles, presiding.

Members present:

Mr. Jesse M. Knowles, Chairman  
Mr. James C. Farrelly, Vice Chairman  
Mr. J. C. "Sonny" Gilbert, Member  
Mr. Charles A. Riggs, Member

Members absent:

Mr. Wayne C. Ducote, Member  
Mr. George N. Gray, Member

Also present:

Mr. Jesse J. Guidry, Secretary

\* \* \*

The regular monthly meeting of the Louisiana Wildlife and Fisheries Commission was called to order by the Chairman, Mr. Jesse M. Knowles, on Friday, February 19, 1982, at 10:00 A.M.

A roll call of members present was taken.

Invocation was offered by Commissioner Charles M. Riggs.

Dr. Ted Ford, Assistant Secretary, presented three requests for renewal of permits to dredge fill material from the Mississippi River. He said the permits have been evaluated and found to be in order. He recommended the permits be issued.

Motion was made by Mr. James C. Farrelly, seconded by Mr. Charles A. Riggs, and passed unanimously, that a renewal permit be granted to Atlas Construction Company, Inc., to remove fill material from the Mississippi River in the vicinity of Mile 50.0 AHP near Woodland, Plaquemines Parish, Louisiana.

(The full text of the resolution  
is here made a part of the record)

BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby grant permission to Atlas Construction Co., Inc. to remove fill material from the Mississippi River in the vicinity of Mile 50.0 AHP near Woodland, Plaquemines Parish, Louisiana, for a period of one year from February 19, 1982 to February 19, 1983 at a royalty rate of 10¢ per cubic yard.

\* \* \*

Motion was made by Mr. James C. Farrelly, seconded by Mr. Charles A. Riggs, and passed unanimously, that a renewal permit be granted to T. L. James and Company to remove fill material from the Mississippi River in the vicinity of Mile 131.2 AHP near Killona, St. Charles Parish, Louisiana.

(The full text of the resolution  
is here made a part of the record)

BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby grant permission to T. L. James & Company, Inc. to remove fill material from the Mississippi River in the vicinity of Mile 131.2 AHP near Killona, St. Charles Parish, Louisiana, for a period of one year from February 19, 1982 to February 19, 1983 at a royalty rate of 10¢ per cubic yard.

\* \* \*

Motion was made by Mr. James C. Farrelly, seconded by Mr. Charles A. Riggs, and passed unanimously, that a renewal permit be granted to Atlas Construction Company, Inc., to remove fill material from the Mississippi River in the vicinity of Mile 18.0 AHP near Fort Jackson, Plaquemines Parish, Louisiana

(The full text of the resolution is  
here made a part of the rec ord)

BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby grant permission to Atlas Construction Co.,

vicinity of Mile 18.0 AHP near Fort Jackson, Plaquemines Parish, Louisiana, for a period of one year from February 19, 1982 to February 19, 1983 at a royalty rate of 10¢ per cubic yard.

Dr. Ted Ford stated that he and Secretary Guidry will initiate consideration in the near future of shell dredging leases and royalties that the Department receives from the lessees. They felt that the royalties needed revision.

Commissioner Farrelly requested that Dr. Ford make a statement concerning the Mississippi River and the possible effects on the brown shrimp season.

Dr. Ford stated that it was too early to tell. We think we can expect an average or greater discharge of the Mississippi River this spring. We are having a strong warming trend early and salinities have been high throughout the base systems. Much would depend on local rainfall in the coastal watershed area effecting the environment in which the post larval shrimp have to move into. Dr. Ford further stated, according to preliminary figures the U. S. National Marine Service, this past year of 1981, we had the highest shrimp catch on record in Louisiana. The catch data usually runs 20% greater than the landings, so this would suggest that we had a most outstanding harvest of shrimp last year, and we hope it will maintain itself.

Mr. John Newsom requested approval for the purchase of a small tract of land (160 acres) which would provide access to the eastern portion of Sicily Island Wildlife Hills Management Area. He stated that last year about this time, we acquired from International Paper Company land to form the Sicily Island Hills Wildlife Management Area. The property has been appraised at \$500 an acre and they thought the money would be available from mineral revenues that were obtained through a lease of the Waddell property on the Amite River. We are requesting authorization to proceed with the purchase of this property, in the amount of \$500 per acre.

Motion was made by Mr. J. C. Gilbert, seconded by Mr. Charles A. Riggs, and passed unanimously, that the Commission concurs with the Department of Wildlife and Fisheries to purchase the 160 acres at \$500.00 per acre.

Commissioner Gilbert stated that another road was needed in the Sicily Island Hills Wildlife Management Area to provide ingress and egress into the property. The only good way to get into it is in the northermost portion, off Highway 915. Highway 8 goes close

to the southern portion of the property, and asked Mr. Newsom to look into the possibility of providing a right-of-way to this property from Highway 8.

Mr. Newsom stated that they would proceed along those lines and see what can be made available. Mr. Newsom said they would certainly look into this.

Mr. Newsom said Mr. Bennie Fontenot had developed some guidelines for public fishing in the Sabine Diversion Canal in Calcasieu Parish.

Mr. Bennie Fontenot, Chief, Fish Division, said the Sabine Diversion Canal was a man-made irrigation ditch and was constructed to provide water to the industries in the Parish and around Lake Charles primarily. The canal starts about four miles below Starks and runs in an easterly direction, splits at Sulphur, and is about thirty-four miles long. At the present time the Canal is closed to public fishing and they have received requests from the public to open the Canal to public fishing. Mr. Fontenot presented a resolution to the Commission.

Motion was made by Mr. Charles A. Riggs, seconded by Mr. James C. Farrelly, and passed unanimously, that the Commission approves public fishing in the Sabine Diversion Canal, Calcasieu Parish, and the following resolution be adopted.

(The full text of the resolution  
is here made a part of the record)

WHEREAS, the general public has requested on numerous occasions and continues to ask that the Sabine River Diversion Canal be opened to public fishing, and

WHEREAS, fishing access could be provided to fishermen at the following road crossings:

- (1) Van Meter Road - Section 25, Township 9 South,  
Range 13 West
- (2) La. 109 - S25, T9, R13W
- (3) Old No. 7 Road - S21, T9S, R12W
- (4) Vinton-5 Corner Road - S15, T9S, R12W
- (5) 5 Corners to Edgerly Road - S14, T9S, R12W
- (6) Edgerly North Road - S17, T9S, R11W

- (7) WPA Road - S14, T9S, R11W
- (8) Claiborne - S16, T9S, R10W
- (9) Robinson Cutoff - S15, T9S, R12W, and

WHEREAS, fishermen fishing in the Sabine River Diversion Channel would have to adhere to the following regulations:

- (1) Fishing from levee only.
- (2) No trespassing on private land bordering the Sabine River Diversion Canal state right-of-way.
- (3) Fishing permitted on either side of the road crossings in designated areas only, which would be a maximum of 1000' on either side of the road crossing access point.
- (4) No vehicles allowed within right-of-way or on the levee, including trucks, autos, three wheelers, motorcycles, ATV's, bicycles, etc.
- (5) No firearms.
- (6) No boats.
- (7) No night fishing - fishing permitted from daylight to dark only.
- (8) No commercial fish netting.
- (9) No swimming.
- (10) No littering, and

WHEREAS, Enforcement Division, Louisiana Department of Wildlife and Fisheries, would be charged with the enforcement of said restrictions, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries would be responsible to post regulations signs at each access point and the Louisiana Department of Transportation and Development would be responsible to post signs designating the 1000' areas opened to fishing.



THEREFORE BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission ask the cooperation of the Louisiana Department of Transportation and Development to open the Sabine River Diversion Channel to public fishing under said conditions and regulations, and the opening date to be when all signs are posted and walk-overs completed and the public notified via the news media.

\* \* \*

Mr. Joe Herring, Chief, Game Division, recommended to the Commission that the seismic fees be raised on State owned or managed properties. At the present time, the Department is receiving \$100 per shot point and \$1,000 per mile of reflective or refractive cable. He recommended to the Commission that the new fees be \$200.00 per shot point and \$2,000 per mile of reflective or refractive cable. The specific conditions of each permit will be based on each individual seismic survey request. Also, the new fees would be comparable to the fees received by other state agencies and private land owners.

Mr. J. C. Gilbert introduced Mr. Frank Ashby in the audience. Mr. Gilbert said the Board Minerals Committee met with representatives from the State Land Office yesterday -- Senator Knowles, Mr. Riggs and Mr. Gilbert and Department personnel and Steve Zerangue with the State Land Office. They went over in detail and at great length this matter of increasing the seismic fees.

Motion was made by Mr. J. C. Gilbert, seconded by Mr. James C. Farrelly, and passed unanimously, that the following resolution be adopted concerning new seismic fees.

(The full text of the resolution  
is here made part of the record)

Seismic Fees  
Department Owned or Managed Property

WHEREAS, the present seismic fees being charged on Department Owned or Managed Property are below those being paid to other governmental agencies and that paid to private landowners, and

WHEREAS, the Department does incur expenses in working with personnel from the applying companies for preparation of seismic survey permits and observing their work, and

WHEREAS, the recommended seismic fee is

\$200.00 per shot point and  
\$2,000.00 per mile of reflective or refractive  
cable beyond the last shot point

and,

THEREFORE, BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission adopt the seismic fees as proposed and further instruct the Louisiana Department of Wildlife and Fisheries to charge these fees on Department owned or managed property.

\* \* \*

Mr. Joe Herring recommended that the right-of-way fees for mineral gathering lines on or crossing state-owned or managed property be increased to not less than \$50.00 per rod for rights-of-way from one to fifty feet in width.

Motion was made by Mr. J. C. Gilbert, seconded by Mr. Charles A. Riggs, and passed unanimously, that the following resolution concerning right-of-way fees on state-owned or managed property be adopted.

(The full text of the resolution  
is here made a part of the record)

#### Rights-of-Way Fees

##### State Owned or Managed Property

WHEREAS, the Department of Wildlife and Fisheries has numerous requests for construction of mineral gathering lines across or on the properties of the Department of Wildlife and Fisheries or properties managed by the Department, and

WHEREAS, the recommended fee to be charged is not less than \$50.00 per rod for a 1-50 foot wide right-of-way,

NOW THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission adopt the proposed fee of not less than \$50.00 per rod for a 1-50 foot wide right-of-way for gathering lines and that the Louisiana Department of Wildlife and Fisheries will charge these fees for rights-of-ways on Louisiana Department of Wildlife and Fisheries owned land or managed land.

\* \* \*

Secretary Guidry stated for the record that this is recommended as a policy of the Department of Wildlife and Fisheries and it is not a rule.

Mr. Joe Herring stated the pamphlet printed for the 1981-82 hunting and fishing seasons contained a printing error for the turkey season in Area H and turkey seasons will be coming up in March of this year.

Motion was made by Mr. J. C. Gilbert, seconded by Mr. Charles A. Riggs, and passed unanimously, that the following resolution be adopted regarding a misprint in the 1981-82 hunting and fishing regulations pamphlet for the turkey season in Area H.

(The full text of the resolution  
is here made a part of the record)

Turkey Season - Date Printing Error

WHEREAS, there has been a misprint for turkey season in Area H of the 1981-82 Hunting pamphlet, and

WHEREAS, in Area H the dates read 16 days, March 20-April 11 which is 23 days, and

WHEREAS, the pamphlet reading in Area H should read 16 days, March 20-April 4, now

THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission adopts the corrected change for the Louisiana Department of Wildlife and Fisheries to enforce.

\* \* \*

Mr. Allan Ensminger stated the proposed stipulations that would be incorporated in any leases that are let by the Department of Natural Resources on our Marsh Island area. This was brought up at our last meeting and we have gone through the existing regulations on Marsh Island and have combined some of the stipulations that govern the activities on Rockefeller, the ones that were prepared for us in preparation for bid letting on State Wildlife. He said he felt they have come up with a very extensive set of stipulations that will be made a part of leases on Marsh Island. These were promulgated in consort with Mr. Richard House with the Russell Sage Foundation. They will be submitted to the Foundation for their review. Mr. House had informed Mr. Ensminger the Foundation

plans to have an Executive Board Meeting the first of March. When the stipulations have been agreed to by the Foundation, they will be returned to the Department for signature and then transmitted to the Department of Natural Resources for the Office of Mineral Resources to incorporate into the proposed bids that would be received on Marsh Island at the April sale.

Mr. Richard House, Attorney with the Law Firm of Milling, Benson and Woodward, New Orleans, Louisiana, representing the Russell Sage Foundation said the main purpose from the standpoint of the Foundation behind these provisions and conditions is to insure that the terms of the deed of donation -- the 1920 deed of donation -- as amended by various Acts of the Legislature from 1941 through 1971 is fulfilled in connection with any operations on Marsh Island. A very comprehensive review was made in both the past and proposed provisions and conditions. In the past, the Department of Wildlife and Fisheries has done an excellent job and the mineral operations on the Island had been performed very efficiently and preserved the integrity of the Island. Mr. House stated that the prepared document in his opinion is legally consistent with the Deed of Donation from the Russell Sage Foundation to the State.

Ms. Joan Phillips, Coastal Commission, stated that Mr. Gerald Bordelon, Chairman, Coastal Commission, regretted not being able to attend the meeting today to present a resolution of suggestions to Wildlife and Fisheries. As far as the Commission is concerned, there are no problems in the way Marsh Island has been handled in the past. Marsh Island is of concern as a coastal area. The resolution adopted by the Louisiana Coastal Commission at the regular meeting in Baton Rouge on January 28, 1982, is as follows:

"WHEREAS, under Louisiana RS 49213.10, Secretary of Natural Resources shall adopt after notice and public hearing rules for the identification and designation and utilization of special areas, and

WHEREAS, the Louisiana Coastal Commission is charged by statute for approving all special areas in the coastal zone, and

WHEREAS, the Marsh Island Wildlife Refuge and Game Preserve is delineated by the Louisiana Coastal Resources Program as one such special area, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries is contemplating management guideline

changes for the Marsh Island Wildlife Refuge and Game Preserve special area, and

THEREFORE BE IT RESOLVED that the Louisiana Coastal Commission suggests the following management guidelines for the Marsh Island Wildlife Refuge and Game Preserve special area in order to minimize the detrimental environmental effects of human development and request the Department of Wildlife and Fisheries to include these recommendations in their management guidelines:

1. No linear facilities as defined in the Louisiana Coastal Resources Program shall broach the south shore of Marsh Island Wildlife Refuge and Game Preserve special management area.
2. No linear facilities as defined in the Louisiana Coastal Resources Program which breaches the north boundary of Marsh Island Wildlife Refuge and Game Preserve special area shall extend across more than one-half of the refuge measured from north to south.
3. If linear facilities are permitted on the northern side of Marsh Island Wildlife Refuge and Game Preserve special area they must be promptly backfilled in a reasonable period of time.
4. Motorized vehicles of all types shall be prohibited in Marsh Island Wildlife Refuge and Game Preserve special area.

\* \* \*

Mr. Jesse Guidry, Secretary, asked Mrs. Phillips if this resolution was adopted by the Louisiana Coastal Commission.

Mrs. Phillips stated the discussion of Marsh Island and the fact that regulations were going to be considered and these regulations were approved by the Coastal Commission.

Mr. Guidry asked if these resolutions were approved at an open meeting. Mrs. Phillips answered "correct". There were two meetings where they were discussed: January 28 Subcommittee report on special areas and again, at last Wednesday night's meeting, February 17, 1982.

Mr. Guidry stated that it was his understanding these resolutions were not adopted and were still under consideration and these regulations should not be characterized as being adopted.

Mrs. Phillips stated that Mr. Barrett is a Member of that Commission and she was sure that if he was around, he would --

Secretary Guidry stated that Mr. Barrett is "around" and said he would like to ask him to give his understanding about what happened.

Mr. Barrett stated that the other night this was brought up at the end of the meeting and there was a discussion as to whether or not they would be voted on. He said he recommended that they be distributed to police jurors and people directly involved for their input. This was one of the last comments.

Mrs. Phillips stated that no one rescinded the vote made on January 28th and that was when the resolutions were approved.

Mr. Barrett said he remembered that it was a condition that the regulations would be distributed.

Mrs. Phillips denied this and said at the January 28th meeting a vote was taken on the regulations and she was asked to bring back specific wording on the regulations to see if anyone at the meeting had any problem with the regulations. At that time, no one had any problems with the wording. There was no opposition to these regulations at the meeting as far as those people of the Commission who attended were concerned.

Secretary Guidry asked, What "regulations" were she speaking of?

Mrs. Phillips asked to be excused, and that she meant "recommendations".

Secretary Guidry stated that this is a precedent that he hoped the Louisiana Coastal Commission would not adopt, to go around giving "suggestions" to everybody that do not have any force of anything that he knew of, and to characterize them as being adopted by the full Commission when he doubted that they

were adopted. He said we certainly ought to get this cleared up. Secretary Guidry said he was a member of the Louisiana Coastal Commission and this is not his understanding that the regulations were adopted.

Mrs. Phillips continued her argument, that the regulations were adopted at the January 28, 1982 meeting.

Secretary Guidry stated he had no problem with the wording of these "suggestions". He said he had problems with the format --a suggestion which people vote on which has the force of absolutely nothing. All it was intended to do, he imagined, was to create controversy.

Chairman Knowles asked Mr. Ensminger if he would like to make some comments.

Mr. Ensminger stated the stipulations are very <sup>expensive</sup> and they address the points repeatedly, and feel they are very cautious with the development of minerals in our areas. He pointed out that all of our areas are of special interest. The whole coast of Louisiana is of special interest and it was of deep concern, especially the deterioration of the coastal marshes. He said the Department's track record is impeachable. We have developed minerals on some of the finest waterfowl wintering areas on the North American Continent.

Mr. Ensminger further stated, that when Mrs. Phillips and the Coastal Commission and the environmental community of Louisiana sits down and reads these stipulations, that the Department is asking Mr. Ashby to incorporate in their advertisement for bids they will understand that the Department does not have any plans at all to rape Marsh Island and destroy that area. We are going to develop minerals on Marsh Island to the benefit of wildlife as well as provide an access to those minerals.

Mrs. Joan Phillips said that what Wildlife and Fisheries has to do, always is not exactly what it wants to do, it's part of a political process. Wildlife and Fisheries has to follow the rules and regulations in the pressures that are out there, that affect not only the marshes of Louisiana but the State of Louisiana and not always are they what the biologists and this Department would like to do if they had their say only. There is a political process there, and she hoped what they were proposing would help Wildlife and Fisheries.

Chairman Knowles said, Mrs. Phillips' problem will be taken under consideration and her recommendations will be given to Mr. Allan Ensminger for review and he will get back in touch with Mrs. Phillips, since she is spokesman for the group.

Commissioner Gilbert stated to Mrs. Phillips, that as a Member of the Commission he didn't have the time nor the ability to know what goes on in the Mineral Board, the State Land Office, or the Coastal Zone Commission as he can hardly keep up with the Wildlife and Fisheries Commission, and asked, that in the future when she appears before this Commission, that when she has a resolution or recommendations that she advise the Commission as to whether or not the resolution or recommendations have been adopted by a majority vote of the Louisiana Coastal Commission.

Attorney Richard House stated, that he concurred with Secretary Guidry and Commissioner Gilbert. He said he had no idea what the Louisiana Coastal Commission did four weeks ago or the other night. No notice was ever given to the Russell Sage Foundation with respect to any contemplated or proposed actions on Marsh Island and considering the fact that the Foundation in two meetings with the Commission has been willing to listen to the people of the State regarding this, that lack of notice, at least from a courtesy standpoint, is appalling, if not from a legal standpoint which causes him to have a great deal of questions about the force and effect of whatever the Coastal Commission did, if we could ever figure it out.

Note: A copy of "Provisions and Conditions of the Department of Natural Resources and the Department of Wildlife and Fisheries Governing Geophysical Operations, and for Development of and Production of Oil and Gas from Property Situated in the Marsh Island Wildlife Refuge, Iberia Parish, Louisiana" is appended to these minutes.

Dr. Ted Ford, Assistant Secretary, Office of Coastal and Marine Resources, said the issue of resolutions apparently adopted by the Coastal Commission has been brought out. One of them is relevant to Marsh Island. There are two others that are relevant to two other important areas in coastal Louisiana which would suggest that they might be areas of special concern. One is the Bayou Des Allemands area which is on the west bank of the Mississippi River. The other is Lake Pontchartrain. This Department has had a long term interest in both these areas and Dr. Ford did not question the intent of trying to do good things by way of resolutions by the Coastal Commission. However, he said, he had considerable concern in some respects. This Department has tried to provide some leadership for controlled introduction



of freshwater into the marshes of Louisiana for many years. Serious consideration has been given to this, not only by the Corps of Engineers but also by the State itself.

Dr. Ford said he was curious in terms of whether a well intentioned resolution such as the one relative to the Bayou Des Allemands area might preclude any further consideration of that area for controlled freshwater introduction. There could perhaps be a preemption that may effect us down the line as we progress in a normal process.

Any group seeking to make changes or corrections in a situation should check with all groups, agencies, etc., who are involved and not preempt something and possibly end up terminating an action that may be desirable down the line.

Mr. Bennie Fontenot, Chief, Fish Division, stated that Spanish Lake, a 1200 acre lake in Iberia Parish, was constructed in 1927. Since that time the levees deteriorated to the point that we cannot keep the desired water level in the lake because the water may go through the levees and flood the local area. The low water level is non-conducive to fish populations, boating, and recreation. Senator Oswald A. Decuir and Representative Elias Ackal, Jr. have submitted a capital outlay budget to the Division of Administration to acquire funds to rectify this situation. They are requesting that the Commission pass a resolution supporting their capital outlay bill to repair Spanish Lake.

Motion was made by Mr. James C. Farrelly, seconded by J. C. Gilbert, and passed unanimously, that the following resolution regarding Spanish Lake be adopted.

(The full text of the resolution  
is here made a part of the record)

WHEREAS, the levees of Spanish Lake (Iberia Parish) are in extreme need of reconditioning, and

WHEREAS, the Spanish Lake pumping plant and drain pipe are in dire need of repair, and

WHEREAS, the deteriorated levee conditions make it necessary to keep the water in the lake at such a low level, the lake is no longer conducive to fishing, boating and other water oriented activities, and

WHEREAS, if needed repairs are not made it is very possible the levees could break or erode releasing the majority of water from the lake, flood local areas, and the complete use of this lake for public recreation would be lost.

THEREFORE BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission does hereby encourage and recommend the inclusion and implementation of the Spanish Lake capital outlay budget as submitted to the Division of Administration by Senator Oswald A. Decuir and Representative Elias Ackal, Jr.

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Commissioner Farrelly congratulated Mr. Bennie Fontenot and Attorney Ted Nass for getting Judge Katz to reverse his decision on Toledo Bend.

Mr. Fontenot thanked Mr. Farrelly and stated that our attorney did a real good job in court and that he was very proud of him. He did a spectacular job in court.

Chairman Knowles presented a resolution in recognition of Mr. M. Bobby Orgeron, former Commission Member.

Motion was made by Mr. J. C. Gilbert, seconded by Mr. James C. Farrelly, and passed unanimously, that the following resolution be adopted.

(The full text of the resolution  
is here made a part of the record)

WHEREAS, Bobby Orgeron was appointed to the Louisiana Wildlife and Fisheries Commission August 12, 1980 by Governor David C. Treen, and served faithfully on this Commission until he resigned December 15, 1981, due to the press of private business, and

WHEREAS, during the time he served on this Commission, he served as Chairman of the Hunting Regulations Committee, as a Member of the Oyster and Shrimp Committee, and as a Member of the Wildlife and Fisheries General Committee, and

WHEREAS, as an ardent sportsman and avid hunter and fisherman Bobby Orgeron was able to communicate with warmth and personal understanding with sportsmen when they appeared before this Commission to discuss problems or management procedures of mutual interest, and

WHEREAS, Bobby Orgeron was the first man from Lafourche Parish to ever serve on the Commission, and because this Parish is inherently rich in shrimp, oysters, crabs and other seafood resources, it was fitting and proper that a man knowledgeable and interested in these resources be named to this Commission, and

WHEREAS, during the sixteen months Bobby Orgeron served on this Commission, he gave freely of his time and energy to best serve the purposes of this Commission and the people of the State of Louisiana, and

WHEREAS, his services to this Commission, the Department of Wildlife and Fisheries, and the hundreds of thousands of persons dependent upon Louisiana's wildlife and fisheries resources for recreation or for a livelihood will be greatly missed.

NOW, THEREFORE, BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does this date commend Bobby Orgeron for his many months of service to this Commission and the people of Louisiana.

Commissioner Gilbert stated that for several years the Commission has authorized travel for one Commission Member to attend the Ducks Unlimited National Meeting and also the National Wild Turkey Federation Meeting. Later this month, the National Wild Turkey Federation is having their annual convention in Florida. Mr. Gilbert requested travel authorization for one Commission Member to attend this convention.

Motion was made by Mr. J. C. Gilbert, seconded by Mr. Charles A. Riggs, and passed unanimously, that travel expenses be authorized for one Commission Member to attend the National Wild Turkey Federation Convention in Florida the latter part of February, 1982.

Mr. John D. Newsom, Assistant Secretary, Office of Wildlife, said the Department of Wildlife and Fisheries has always enjoyed close cooperation with the U. S. Fish and Wildlife Service law enforcement effort in Louisiana. We have always considered the U. S. Fish and Wildlife Service a vital force in enforcement of our migratory bird laws. In recent years we have had some serious problems with staffing, and more recently we have learned that the system of supervision of the federal law enforcement effort is going to be changed to a single supervisor for the entire thirteen states in the southeast. Mr. Newsom stated that he felt it would not satisfactorily give us the assistance that we need. Mr.

Newsom offered a resolution to the Commission concerning this matter and said the resolution, if passed, will be distributed to all Directors of the Southeastern Association of Fish and Wildlife Agencies and to our Congressional delegation.

Motion was made by Mr. James C. Farrelly, seconded by Mr. Charles A. Riggs, and passed unanimously, that the following resolution be adopted.

(The full text of the resolution  
is here made part of the record)

WHEREAS, the Louisiana Wildlife and Fisheries Commission is abundantly aware of the invaluable service that has been provided in migratory bird law enforcement by the U. S. Fish and Wildlife Service law enforcement agency,

WHEREAS, the Louisiana Wildlife and Fisheries Commission has enjoyed close cooperation and support from federal agents in the enforcement of wildlife statutes,

WHEREAS, the Federal Wildlife law enforcement effort has been severely limited in recent years because of unfilled vacancies,

WHEREAS, this Commission feels that the current system of Federal Wildlife law enforcement supervision has been demonstrated to be far superior to the system that was in effect prior to 1972,

WHEREAS, we have recently been informed that the Fish and Wildlife Service plans to revert to the old system of Federal law enforcement supervision which will result in further reduction in field agent strength in Louisiana and a further decrease in effectiveness of this effort,

NOW, THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission hereby goes on record encouraging the U. S. Fish and Wildlife Service to retain the current system of law enforcement supervision and that sufficient funding levels be made available for filling law enforcement agent vacancies in Louisiana and for operational costs, to maintain federal wildlife law enforcement as a viable force to assist in administration of federal wildlife laws.

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Secretary Guidry said the Governor's Coastal Protection Task Force Members are Mr. Frank Ashby, himself, Mr. Jeff Hingle and Mr. Bordelon, Chairman of the Louisiana Coastal Commission. We have with us today, Mr. Frank Ashby, Mr. Steve Zeringue, Project Director, Mr. Vernon Behrhorst, Project Coordinator, and Dr. Woody Gagliano who is currently under contract with the Department of Natural Resources. Dr. Woody Gagliano will give a slide presentation since we feel it is very important to give this wide publicity and acquaint everyone with what the Governor's Task Force is trying to do.

Dr. Vernon "Woody" Gagliano stated that just about a year ago he appeared before this Commission and presented the results of some new land loss information. The data was rather startling since the numbers have been revised upward and created a new concern for the whole problem of coastal deterioration in the State. The Legislature, through the Joint Legislative Committee of Natural Resources, initiated a series of public hearings and took testimony on the problem. The Department of Wildlife and Fisheries contributed to the hearings and publicized the problem and has made some specific recommendations. The Legislative Committee now has a report that recommends some approaches that can be taken to deal with the problem. The Legislature passed Act 41 which created a special fund to provide monies to undertake some of these projects.

Dr. Gagliano continued by saying that there is a task force that has been established through the Governor's Office. The Task Force is trying to define an approach to deal with projects and programs to define how it will be handled and how it will move through state government. Dr. Gagliano then gave a slide presentation on coastal erosion.

Chairman Knowles stated that Mr. Jessie Fontenot attended the public hearing last night and would like to make some statements.

Mr. Jessie Fontenot representing St. Mary Industrial Group in Morgan City spoke regarding the Enforcement Division of Wildlife and Fisheries and the alligator season.

Chairman Knowles announced the dates of the March meeting - March 16th in Ruston, Louisiana. Public hearings will be held on March 15th and March 23, 1982, on Seasons and Bag Limits.

Commissioner Farrelly thanked Mr. Harry Schafer for the report on the Survey Section distributed to the Commission Members. He commented that they were very active last month and he hoped the reports will be forthcoming each month. He said the report was very good and this is the information the Commission needs.

Motion was made by Mr. Charles A. Riggs, seconded by Mr. James C. Farrelly, and passed unanimously, that the meeting be adjourned.

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Jesse M. Knowles  
Chairman

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Jesse J. Guidry  
Secretary

Minutes transcribed  
by Jan Sommers

PROVISIONS AND CONDITIONS OF THE DEPARTMENT OF NATURAL RESOURCES AND THE DEPARTMENT OF WILDLIFE AND FISHERIES GOVERNING GEOPHYSICAL OPERATIONS, AND FOR DEVELOPMENT OF AND PRODUCTION OF OIL AND GAS FROM PROPERTY SITUATED IN THE MARSH ISLAND WILDLIFE REFUGE, IBERIA PARISH, LOUISIANA.

A. GEOPHYSICAL EXPLORATION UNDER LEASES OR PERMITS

1. Lessee or Permittee may conduct seismic or any other types of geophysical exploration only under the conditions hereinafter set forth.
2. All seismic shot holes, whether for refraction or reflection technique, shall be drilled sufficiently deep to prevent undue cratering and consequent damage to surrounding vegetation and wildlife; no surface charges shall be permitted and no explosions, unless set off in geophysical tubing, shall be set off on the bottoms of any water bodies on the leased premises or area covered by permit.
3. Boats, marsh buggies, or other types of marsh vehicles may be used, provided they are so used as to cause the minimum disturbance of and injury to the lands and the wildlife thereon. Each particular use of marsh buggies requires approval in writing of a representative of the Department of Wildlife and Fisheries, and when marsh buggies are used, their routes will be alternated to prevent marsh plant damage from compaction.
4. Lessee or Permittee shall comply with all the current rules and regulations of the Department of Wildlife and Fisheries for the protection of game and wildlife, and particularly, no hunting, fishing or other activities harmful or destructive to game or wildlife shall be permitted on the leased premises or area covered by permit or on any other part of said game preserve area.
5. Lessee or Permittee shall take every precaution against the starting of fires in said area. Marsh burning is a management practice of the Department of Wildlife and Fisheries and is to be conducted only by personnel of the Department assigned to the Marsh Island Wildlife Refuge.

6. All geophysical exploration operations shall be conducted under the strict supervision of the Department of Natural Resources and the Department of Wildlife and Fisheries, and a representative of the Department of Wildlife and Fisheries shall accompany each crew during such operations. All salaries and expenses of such representative shall be borne by Lessee or Permittee.
7. All requirements and conditions contained in the deed of donation from the Russell Sage Foundation and by which the said game preserve area was donated to the State of Louisiana relating to mineral exploration of said area, as well as Act 47 of 1944, as amended by Act 62 of 1971, and Act 154 of 1973, shall be fully and strictly complied with.
8. No canals or slips shall be dredged or cut for any operations under this Part A.
9. The willful and repeated violation of any of the aforesaid regulations shall constitute cause for revocation of the lease or permit.
10. Lessor shall be entitled to injunctive relief against the Lessee for violation of any of its obligations hereunder, without showing irreparable harm or the absence of other legal remedies, and without the necessity or requirement of posting any bond or security therefor. If the Lessee be adjudicated to have breached any obligation assumed herein or if injunctive relief be granted against Lessee, Lessor shall be entitled to full reimbursement of its court costs, reasonable attorneys fees, and fees of expert witnesses incident to such legal proceedings. For the purposes of this Section, Lessor shall be deemed to be the Louisiana Department of Wildlife and Fisheries, the Louisiana Department of Natural Resources or the Russell Sage Foundation, any of whom shall have the right to seek injunctive relief.

APPROVED:

LOUISIANA DEPARTMENT OF  
WILDLIFE AND FISHERIES

BY: \_\_\_\_\_

LOUISIANA DEPARTMENT OF  
NATURAL RESOURCES

BY: \_\_\_\_\_

APPROVED:

RUSSELL SAGE FOUNDATION

BY: \_\_\_\_\_



B. DRILLING AND PRODUCTION OPERATIONS UNDER LEASES

1. There shall be no discharge of coal, oil fluids, drilling muds, oilfield brine or other pollutants whatsoever, except into such injection or disposal well or protected sump pits as may be permitted and authorized by the Department of Wildlife and Fisheries and the Department of Natural Resources.
2. All tank batteries shall conform with all rules and regulations of the Louisiana Department of Natural Resources and the Department of Wildlife and Fisheries, particularly with reference to construction and maintenance of leveed fire walls. Inspection reports on the condition of pipes and pipeline carriers shall be prepared and submitted to the Department of Wildlife and Fisheries and the Department of Natural Resources twice annually. All pipelines must be buried at least 3 feet deep in push ditches that must be back-filled upon installation. Construction of any tank batteries or pipelines must be approved in a manner set forth in these provisions and conditions prior to commencement of construction operations.
3. All State and Federal laws and all governmental regulations must be strictly complied with, including, but not limited to regulations of the Louisiana Department of Natural Resources, and the Louisiana Department of Wildlife and Fisheries.
4. No flares may be burned and no volatile substances may be released into the atmosphere except as permitted by the Department of Wildlife and Fisheries and the Department of Natural Resources, and under the supervision of both departments. All permitted flares shall be burned into a pit during daylight hours only, unless nighttime burning is specifically permitted by the Department of Wildlife and Fisheries. No other fires may be burned in the refuge area except as permitted by the Department of Wildlife and Fisheries.

5. All damages caused by the mineral operations or explorations of Lessee or his assigns or permittees to levees, water control structures, bulkheads, or any other facilities owned or operated by the Louisiana Department of Wildlife and Fisheries shall be restored, as near as practicable, to original condition by Lessee.
6. The dredging of canals in the refuge area is restricted to the shortest and most direct route from an existing canal or waterway to the proposed location, and shall be subject to the provisions of paragraph 7. Waterways shall not be blocked within the refuge, and no existing waterways shall be used without prior approval of the Louisiana Department of Wildlife and Fisheries. Bank erosion controls shall be provided for in using existing waterways.
7. Access to or on the refuge shall be through the natural waterways, which may be deepened or widened where necessary. Roads will be required in some areas of the refuge. No canals shall be constructed from or into the south or gulf side of the island. A minimum number of canals may be constructed only for the purposes of this Lease, and only after applicable permits required by appropriate Federal agencies and, prior to any such application, the written approval of the Department of Wildlife and Fisheries, the Department of Natural Resources and the Russell Sage Foundation have been obtained, after each is furnished with detailed plans and specifications of the proposed canals, roads and protection measures.
8. No construction operations shall begin within the refuge until all construction plans and schedules therefor have been approved by the Department of Wildlife and Fisheries and the Department of Natural Resources, whether said construction is intended to be of temporary or permanent installation. Construction is considered to include, by way of non-exclusive example, well sites, production sites, tank batteries, pipeline locations, and roadways.

9. All road beds shall be constructed from staggered borrow pits. These shall be evenly alternated on each side of the road bed and each individual pit shall not exceed 300 feet in length and 40 feet in width. A minimum of 15 feet of berm shall be maintained between the road bed and the edge of the borrow pit. Drainage and water control will be provided for by means of culverts with drop gates under all road beds unless otherwise directed by the Department of Wildlife and Fisheries and the Department of Natural Resources.
10. No telephone, telegraph or power lines shall be constructed above marsh level without specific prior approval of the Department of Wildlife and Fisheries and the Department of Natural Resources.
11. No tank batteries, rigging, or other permanent structures shall be installed within 2,000 feet of the main headquarters or within a distance that may prove damaging to any of the wood, concrete, steel or other water control structures on the area, without prior specific approval of the Department of Wildlife and Fisheries.
12. In order to prevent excessive construction of access facilities within the refuge, lessee agrees that the Department of Wildlife and Fisheries and the Department of Natural Resources shall have the authority to permit or require use of existing access facilities by any party otherwise entitled to travel in the refuge. If appropriate, the Louisiana Department of Wildlife and Fisheries and the Louisiana Department of Natural Resources may order the joint use of said access facilities upon the payment of a fair and proportionate share of the cost and maintenance of said facility.
13. All development and work sites shall be kept clean and free of debris and litter, to the maximum extent practicable, as may be required by the Department of Wildlife and Fisheries. All abandoned development or work sites shall be restored as near as practicable to original condition, as may be required by the Department of Wildlife and Fisheries.

14. Lessee, together with his assigns, shall comply with all rules and regulations of the Department of Wildlife and Fisheries and the Department of Natural Resources for the protection of game and wildlife, and particularly no hunting, fishing or other activities harmful to wildlife shall be permitted on any part of the refuge.
15. The lands within this refuge have been and are intended to remain being used as a wildlife refuge and sanctuary. Lessee takes cognizance of this primary use and agrees to conduct all of its operations in conformity with these purposes. Lessee acknowledges possession of a copy of the Act of Donation dated November 8, 1920, and agrees to fully and strictly comply with all conditions and requirements contained in said Act of Donation, as well as the conditions relating to mineral activity as amended by Act 47 of 1944, Act 62 of 1971 and Act 154 of 1973.
16. All Drilling and Production Operations under the leases shall be conducted under the strict supervision of the Department of Natural Resources and Department of Wildlife and Fisheries, and the Department of Wildlife and Fisheries shall have the right to have a representative present at all drilling and production operations. All salaries and expenses of such representative shall be borne by lessee.
17. Lessee and his assigns shall be responsible for and shall repair, to the maximum extent practicable and required by the Department of Wildlife and Fisheries and the Department of Natural Resources, all damages caused by its operations or the operations of its assigns.
18. The rights granted herein are personal to the Lessee, its agents, employees, and subcontractors. Lessee may not grant to other parties the right to use road beds, waterways, or other portion of the refuge without the written consent of the Department of Wildlife and Fisheries and the Department of Natural Resources, and under no circumstances shall there be any such use except for the purposes of the lease.

19. There shall be no development or use of the refuge not specified above.
20. The willful and repeated violation of any of these provisions and conditions shall constitute cause for revocation of Lessee's lease.
21. Lessor shall be entitled to injunctive relief against the Lessee for violation of any of its obligations hereunder, without showing irreparable harm or the absence of other legal remedies, and without the necessity or requirement of posting any bond or security therefor. If the Lessee be adjudicated to have breached any obligation assumed herein or if injunctive relief be granted against Lessee, Lessor shall be entitled to full reimbursement of its court costs, reasonable attorneys fees and reasonable fees of expert witnesses incident to such legal proceedings. For the purposes of this Section, Lessor shall be deemed to be the Louisiana Department of Wildlife and Fisheries, the Louisiana Department of Natural Resources or the Russell Sage Foundation, any of whom shall have the right to seek injunctive relief.

APPROVED:

LOUISIANA DEPARTMENT OF  
WILDLIFE AND FISHERIES

BY: \_\_\_\_\_

LOUISIANA DEPARTMENT OF  
NATURAL RESOURCES

BY: \_\_\_\_\_

APPROVED:

RUSSELL SAGE FOUNDATION

BY: \_\_\_\_\_

C. GENERAL REGULATIONS GOVERNING BOTH GEOPHYSICAL  
EXPLORATION & DRILLING & PRODUCTION OPERATIONS

1. Individual application must be submitted to the Louisiana Department of Wildlife and Fisheries for approval for the lessee to dredge canals, build roads, or do any other type of surface construction or surface development work. No mineral activity, including construction of canals, shall be permitted within 1,000 feet of the South or Gulf side of Marsh Island. A minimum of 15 days must be allowed for the Louisiana Department of Wildlife and Fisheries to consider the application and reply thereto.
2. No fire arms of any kind are permitted on the refuge.
3. No hunting of any kind is permitted on this property by anyone.
4. Trapping is permitted only by designated individuals assigned by the Louisiana Department of Wildlife and Fisheries.
5. No intoxicating liquors or drugs (absent a doctor's prescription) of any kind are allowed on this property.
6. No gambling of any kind is permitted on this property.
7. Use of boats, except as for the sole purposes specified in conditions pertaining to geophysical operations or drilling and production operations, is prohibited in the canals and waterways.
8. No trespassing of any kind is permitted.
9. Employees of the oil companies must have proper identification in their possession while working on the refuge and be prepared to display same if requested to do so by a representative of the Department of Wildlife and Fisheries.
10. All operations shall be so conducted as to avoid pollution and the escape of oil on the property.
11. Drainage of property is prohibited.
12. The burning of marshes is prohibited except under the supervision of the Louisiana Department of Wildlife and Fisheries.
13. It is imperative that all Department officials and employees should cooperate in every way possible with the employees of the oil companies in order that complete harmony may be maintained.

14. It is the desire of the Louisiana Department of Wildlife and Fisheries that representatives of the various oil companies show every courtesy possible to the employees of the Department.

Approved for use in connection with granting of geophysical permit and mineral leases by the Department of Natural Resources, relative to Marsh Island Wildlife Refuge.

CHIEF, FUR & REFUGE DIVISION

DATE:

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